

Item # 60

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Aloma Office Center Rezone from A-1 to RP

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

**Agenda Date** 11/09/04 **Regular**  **Consent**  **Work Session**  **Briefing**   
**Public Hearing – 1:30**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

1. APPROVE the request for a rezone from A-1 (Agriculture District) to RP (Residential Professional District) subject to the attached development order, site plan and architectural renderings, on approximately 2.8 acres, located on the east side of W. SR 426, approximately 650 feet south of W. Chapman Road, and authorize the Chairman to execute the aforementioned documents (Lutheran Haven, Inc., applicant); or
2. DENY the request for a rezone from A-1 (Agriculture District) to RP (Residential Professional District) on approximately 2.8 acres, located on the east side of W. SR 426, approximately 650 feet south of W. Chapman Road (Lutheran Haven, Inc., applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 1 – Commissioner Maloy Tina Deater, Senior Planner

**BACKGROUND:**

The applicant, Lutheran Haven, Inc., is requesting a rezone from A-1 to RP, in order to build a three-building office complex with a total of approximately 17,000 square feet of office. The future land use designation of the subject property is Medium Density Residential (MDR), which allows the proposed RP zoning classification.

**STAFF RECOMMENDATION:**

Staff recommends approval of the rezone from A-1 to RP, subject to the attached development order, site plan and architectural renderings.

Reviewed by:	<u>WR</u>
Co Atty:	<u>WR</u>
DFS:	
OTHER:	<u>MW</u>
DCM:	<u>WR</u>
CM:	<u>WR</u>
File No.	<u>ph130pdp04</u>

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on October 6, 2004 and voted 6 to 0 to recommend APPROVAL of the rezone from A-1 to RP, subject to the attached development order, site plan and architectural renderings.

**Attachments:**

Development Order  
Site Plan  
Architectural Renderings  
Ordinance  
Color Maps

# Aloma Office Center Rezone from A-1 to RP

<b>Rezone from A-1 (Agriculture District) to RP (Residential Professional District)</b>		<b>Z2204-028</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	Lutheran Haven, Inc.	
<b>REZONING</b>	A-1 (Agriculture District) to RP (Residential Professional District)	
<b>FUTURE LAND USE</b>	MDR (Medium Density Residential)	
<b>APPROXIMATE GROSS ACRES</b>	2.8	
<b>LOCATION</b>	Located on the east side of W. SR 426, approximately 650 feet south of W. Chapman Road	
<b>BCC DISTRICT</b>	District 1 – Commissioner Maloy	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>STAFF RECOMMENDATION</b>	Staff recommends approval of the rezone from A-1 to RP, subject to the attached site plan, architectural drawings, and development order	

## **STAFF ANALYSIS & FINDINGS**

### OVERVIEW

#### **Zoning Request:**

The applicant, Lutheran Haven, Inc., is requesting a rezone from A-1 to RP, in order to build a three-building office complex with a total of approximately 17,000 square feet of office. The future land use designation of the subject property is Medium Density Residential (MDR), which allows the proposed RP zoning classification.

The existing zoning and future land use designations surrounding the subject property are as follows:

<b>DIRECTION</b>	<b>EXISTING ZONING</b>	<b>FUTURE LAND USE</b>
<b>Subject Property</b>	A-1 (Agriculture District)	Medium Density Residential
<b>North</b>	A-1 (Agriculture District)	Medium Density Residential
<b>South</b>	A-1 (Agriculture District), C-3, General Commercial & Wholesale District, PCD (Planned Commercial Development District), OP (Office Professional District)	Medium Density Residential, Industrial, Planned Development, Office
<b>East</b>	A-1 (Agriculture District)	Medium Density Residential, Public
<b>West</b>	A1 (Agriculture District), PCD (Planned Commercial Development District)	Industrial

For more detailed information regarding zoning and land use, please refer to the attached map.

### **SITE ANALYSIS**

#### **Facilities and Services:**

The proposed zoning is consistent with the adopted future land use designation assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.

Water and sewer are services are available to the site and supplied by Seminole County.

#### **Transportation / Traffic:**

Access is available to the site from SR 426. SR 426 is classified as an Arterial and has an adopted Level of Service of "E". It is currently operating at a Level of service of "B" in this area.

#### **Compliance with Environmental Regulations:**

At this time there are no concerns with compliance with environmental regulations.

### **Compatibility with Surrounding Development:**

The property has a Medium Density Residential future land use designation, and the proposed RP zoning classification is allowed in that future land use category. The property is surrounded by Medium Density Residential future land use on the north and Medium Density Residential and Public future land uses to the east. To the south of the subject property are Medium Density Residential, Industrial, Planned Development, and Office future land uses. To the west of the subject property, across SR 426, a four-lane divided roadway, the future land use designation is Industrial. The subject property is in a transitional area where office uses are becoming more appropriate than residential uses. However, because there are residential uses in the area, the proposed office buildings must comply with the active/passive buffer standards required by the Seminole County Land Development Code adjacent to residential future land use, and they should be architecturally residential in nature. Therefore, staff is recommending that approval of the rezone to RP should be subject to the attached site plan, architectural drawings, and development order to ensure compatibility.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the rezone from A-1 to RP, subject to the attached development order, site plan and architectural renderings.

### **PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on October 6, 2004 and voted 6 to 0 to recommend APPROVAL of the rezone from A-1 to RP, subject to the attached development order, site plan and architectural renderings.

**Minutes for the Seminole County Land Planning Agency/  
Planning and Zoning Commission  
October 6, 2004  
7:00 P.M.**

**Members present:** Ben Tucker, Beth Hattaway, Chris Dorworth, Richard Harris, Walt Eismann and Dudley Bates

**Member absent:** Alan Peltz

**Also present:** Tony Walter, Assistant Planning Manager; Rebecca Hammock, Principal Planner; Jeff Hopper, Senior Planner; Tina Deater, Senior Planner; Matt West, Planning Manager; Liz Block, Environmental Services; Jim Potter, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant

**E. Aloma Office Center; Lutheran Haven, Inc., applicant;** approximately 2.82 acres; rezone from A-1 (Agriculture District) to RP (Residential Professional); located on the east side of W SR 426, approximately 660 feet south of W. Chapman Road. (Z2004-028)

Commissioner Maloy - District 1  
Tina Deater, Senior Planner

The subject property is approximately 2.8 acres, and is located on the east side of W. SR 426, approximately 650 feet south of W. Chapman Road.

The applicant is requesting the rezone from A-1 to RP, in order to build a three-building office complex with a total of approximately 17,000 square feet of office. The future land use designation of the subject property is Medium Density Residential (MDR), which allows the proposed RP zoning classification.

Staff recommends approval of the rezone from A-1 to RP, subject to the attached development order, site plan and architectural renderings.

Ray Crawford was present from Engineering Design Group to represent the applicant.

Commissioner Tucker asked if there was any access to Church Street.

Ms. Deater stated that access was only on 426. A masonry wall would be required.

Commissioner Tucker stated that Church Street was an unpaved road which generates a lot of dust to the area. Commissioner Tucker asked if a statement could be placed in the Development Order that the owners would have to correct the dust coming off of Church Street.

Mr. Crawford stated that he would not fix a public right of way.

Commissioner Tucker stated that he wanted the applicant to be aware of the dust problem in the area.

**Commissioner Bates made a motion to recommend approval with the conditions contained in the staff report.**

**Commissioner Dorworth seconded the motion.**

**The motion passed by a vote of 6 – 0.**

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On November 9, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

Property Owner: Lutheran Haven, Inc.  
2041 W. S.R. 426  
Oviedo, FL 32765

Project Name: Aloma Office Center Rezone A-1 to RP

Requested Development Approval: Rezoning from A-1 (Agriculture) to RP (Residential Professional)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Tina Deater, Senior Planner  
1101 East First Street  
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is GRANTED.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. All development shall comply with the conceptual site plan attached as Exhibit B. Any revisions deemed to be major by the Planning Manager shall require approval by the Board of County Commissioners.
- b. The exterior of the buildings shall be designed in accordance with the architectural drawings attached as Exhibit C.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman, Board of County Commissioners

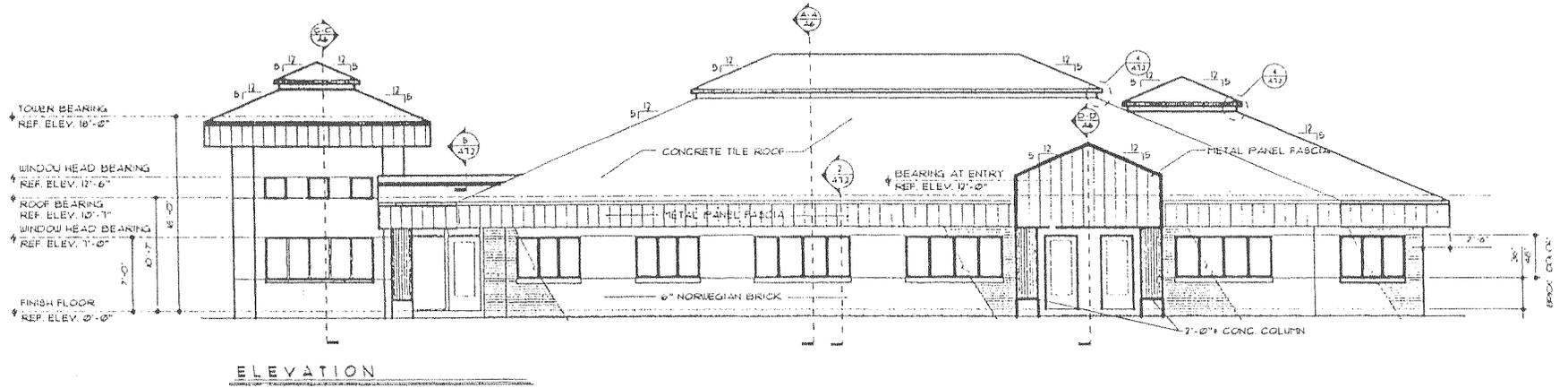


**EXHIBIT A  
LEGAL DESCRIPTION**

LEG N 74 FT OF LOT 8 + ALL LOTS E + F (LESS N 15 FT OF LOT E)  
SLAVIA FARMS PB 6 PG 97







LOT 2

Exhibit C



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION THE RP ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled, "Aloma Office Center Rezone from A-1 to RP."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONINGS.** The zoning classification assigned to the following described property is changed from A-1 to RP in accordance with the contents of the documents titled, "Aloma Office Center Rezone from A-1 to RP Staff Report" and Development Order # 04-20000007 :

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon the date of filing with the Department and recording of Development Order # 04-20000007 in the Official Land Records of Seminole County.

ENACTED this 9th day of November, 2004.

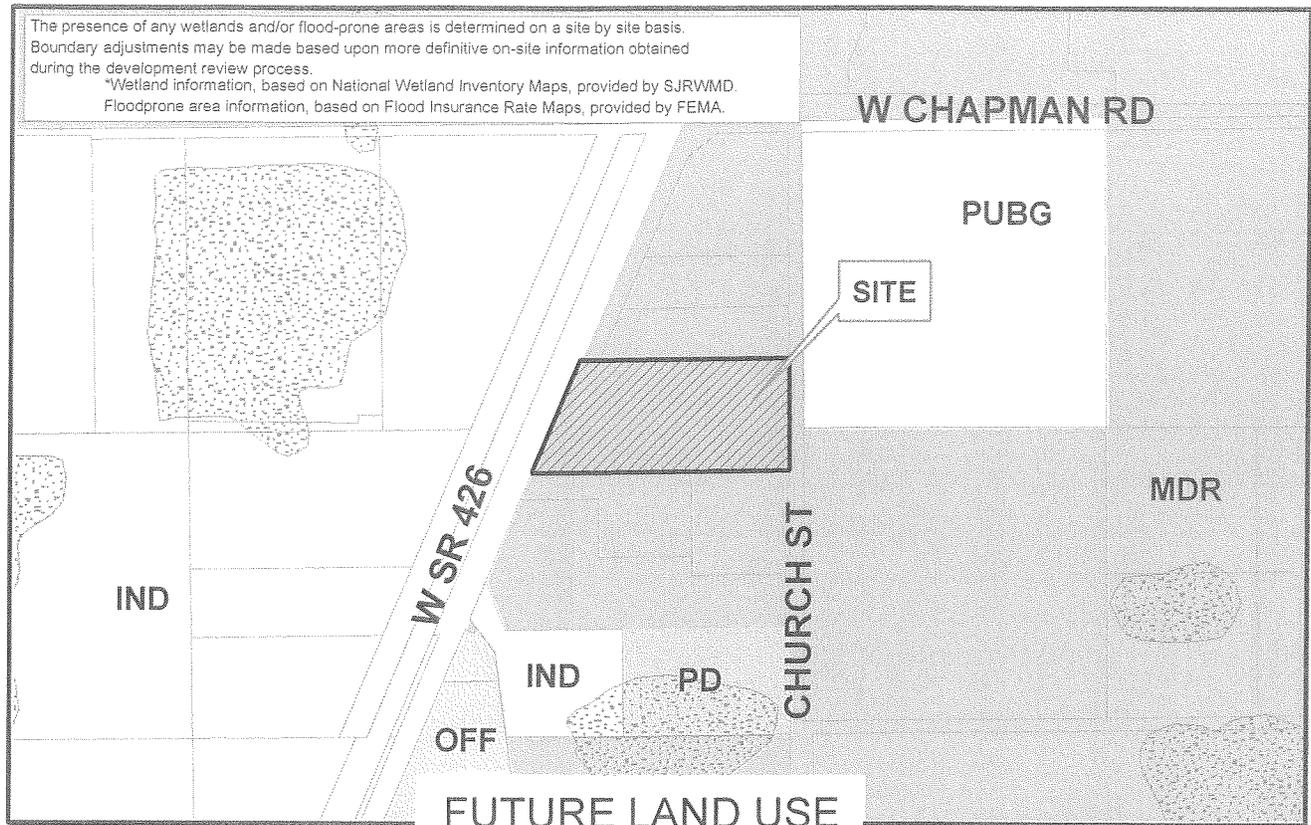
BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

LEG N 74 FT OF LOT 8 + ALL LOTS E + F (LESS N 15 FT OF LOT E)  
SLAVIA FARMS PB 6 PG 97

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



**FUTURE LAND USE**

Site
  MDR
  PD
  OFF
  IND
  PUBG
  CONS

Applicant: Lutheran Haven Inc.  
 Physical STR: 20-21-31-5CB-0000-0080  
 Gross Acres: +/- 2.8      BCC District: 1  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-028	A-1	RP



**ZONING**

Site
  R-3A
  OP
  C-3
  A-1
  PCD
  FP-1
  W-1



Rezone No: Z2004-028  
From: A-1 To: RP

-  Parcel
-  Subject Property



February 1999 Color Aerials